

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

*Plaintiff,*

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, PATRICK MORRISEY in his official capacity as Attorney General, and THE STATE OF WEST VIRGINIA,

*Defendants.*

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**[PROPOSED] ORDER DISMISSING EQUAL PROTECTION CLAIM AGAINST  
DEFENDANT PATRICK MORRISEY IN HIS OFFICIAL CAPACITY  
AS ATTORNEY GENERAL OF THE STATE OF WEST VIRGINIA**

This matter comes before the Court on the joint motion by Plaintiff B.P.J. and Defendants State of West Virginia and Patrick Morrisey, in his official capacity as Attorney General for the State of West Virginia (the “Attorney General”), to dismiss without prejudice B.P.J.’s Equal Protection claim in Count II of the First Amended Complaint against Defendant Morrisey.

IT IS HEREBY ORDERED THAT:

1. The claim by Plaintiff B.P.J. against the Attorney General in Count II of the First Amended Complaint, under the Equal Protection Clause, is dismissed without prejudice, and the Attorney General is dismissed as a party. This order does not affect any other claim or issue in the case.

2. Each side will bear its costs and fees as to this claim against the Attorney General as well as this motion and the Attorney General’s previously-filed motion to dismiss (Dkt. 77).

The Clerk is directed to send copies of this Order to counsel of record.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Joseph R. Goodwin  
United States District Court Judge

AGREED TO BY:

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By counsel,  
PATRICK MORRISEY,  
ATTORNEY GENERAL

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